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APPLICATION NO. 15/229,485	FILING DATE 03/10/97	FIRST NAMED INVENTOR STAGGS	ATTORNEY DOCKET NO.
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HM42/0526

EXAMINER WEDDINGTON, K
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ART UNIT 1614	PAPER NUMBER 13
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DATE MAILED: 05/26/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**08/338,489**

Applicant(s)

**Staggs**

Examiner  
**Kevin E. Weddington**

Group Art Unit  
**1614**



☒ Responsive to communication(s) filed on Apr 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 1 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-90 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 1-90 are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **DETAILED ACTION**

The restriction requirement dated March 29, 1998 has been removed so that a new restriction requirement can be made with the updated claims filed April 28, 1998.

#### ***Election/Restriction***

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1, 4-9, 36 and 51-90 are drawn to a method of treating deep tissue or systemic fungal diseases, classified in class 514, subclass 627 and 845.
- II. Claims 2 and 3 are drawn to a method of treating systemic diseases caused by molds with the administration of pepper, classified in class 514, subclass 627.
- III. Claims 11, 15, 16, 19, 38, 39, 50, 51 and 56-90 are drawn to a method of treating infectious diseases with an anti-infective compound, classified in class 514, subclass 627.
- IV. Claim 12 is drawn to a method of treating skin diseases with an anti-infective compounds, classified in class 514, subclass 627.
- V. Claim 13 is drawn to a method of treating warts with a therapeutic compound, classified in class 514, subclass 627.
- VI. Claim 14 is drawn to a method of treating parasitic worm infections of the skin with a therapeutic compound, classified in class 514, subclass 627.

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- VII. Claims 18, 37, 50 and 56 are drawn to a method of treating wound infections in human with a compound derived from Piperaceous pepper, classified in class 424, subclass 195.1.
- VIII. Claims 20, 23, 35, 37 and 50 are drawn to a method of treating lung disorders with a therapeutic compound, classified in class 514, subclass 627.
- IX. Claims 21, 23 and 35 are drawn to a method of treating rectal disorders with a therapeutic compound, classified in class 514, subclass 627.
- X. Claims 22 and 23 are drawn to a method of treating vaginitis with a therapeutic compound, classified in class 514, subclass 627.
- XI. Claims 24-26 are drawn to a method of treating nail disorders, classified in class 514, subclass 627.
- XII. Claim 27 is drawn to a method of treating itch with a therapeutic compound, classified in class 514, subclass 627.
- XIII. Claims 28-34 are drawn to a method of treating disease or injury with a therapeutic compound, classified in class 514, subclass 627.
- XIV. Claims 40 and 41 are drawn to a method of treating seborrhea with a therapeutic compound, classified in class 514, subclasses 627 and 831.
- XV. Claim 42 is drawn to a method of treating acne, classified in class 514, subclass 627.

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- XVI. Claim 43 is drawn to a method of treating wrinkles, classified in class 514, subclass 627.
- XVII. Claim 44 is drawn to a method of treating skin cancer, classified in class 514, subclass 627.
- XVIII. Claims 45-48 are drawn to a method of treating disease such as psoriasis, classified in class 514, subclass 627.
- XIX. Claim 46 is drawn to a method of treating corns or callouses, classified in class 514, subclass 627.
- XX. Claim 49 is drawn to a method of treating burns, classified in class 514, subclass 627.

The twenty inventions are independent and distinct, each from the other as they have acquired a separate status in the art as shown by their different classification and a separate subject matter for inventive effort. Further, a reference which anticipates any one of the above inventions would neither anticipate or make obvious of the other inventions. Each such invention is capable of supporting its own patent. For these reasons, the restriction requirement is proper.

To be complete, applicant's response must include a provisional election even though the requirement may be traverse.

The applicant is required to elect a single invention for examination purposes.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner K. Weddington whose telephone number is (703) 308-1235.

*K. Weddington*

KEVIN E. WEDDINGTON  
PRIMARY EXAMINER

*Art Unit 1614*

K. Weddington

May 21, 1998